

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/889,881

REMARKS

N.B. Applicant enclose a Form PTO/SB/08 A & B listing the International Search Report references, and requests the Examiner to return an initialed copy of this form to assure that these references will be printed on the face of any patent granted on the present application.

Applicant also requests the Examiner to issue a corrected "Office Action Summary" (Form PTO-326) in which blocks 13, 13a) and 13a)3 have been checked to indicate acknowledgment of Applicant's claim for foreign priority and receipt of the certified copy of the priority document from the International Bureau.

1., 2. Applicant requests the Examiner to withdraw the objection to the abstract of the disclosure in view of the above amendments to the Abstract.

3. Applicant does not understand paragraph 3, as Applicant is not claiming priority from any domestic (U.S.) application.

4. Applicant encloses a replacement formal drawing sheet 1/2 in which Fig. 1 has been labeled as "Prior Art". Applicant also encloses a replacement formal drawing sheet 2/2 in which the arrow pointing from block 23 to block 3 has been corrected to point to block 4 (this correction is supported in Applicant's specification at page 4, line 29) and in which the missing arrowhead has been inserted at the line entering the right-hand side of the block labeled "1st blend".

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph in view of the above amendments which corrects each and every one of the informalities stated by the Examiner.

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Applicant respectfully traverses the rejection of claims 1 and 3-12 under 35 U.S.C. § 102(e) as being anticipated by Bauer '200, and also the rejection of claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Bauer '200 in view of Su '712 or Henley '297.

With respect to the rejections of claim 1, a rejection based on anticipation requires that Bauer disclose, either expressly or inherently, each limitation of parent claim 1, or in other words, that claim 1 be readable, either expressly or inherently, on Bauer's disclosure. For the rejection based on unpatentability (obviousness) Bauer, combined with either of the secondary references, must provide a *prima facie*, case of obviousness of the subject matter of each of claims 1-12.

Applicant respectfully submits that neither rejection meets the requirements for sustaining the rejection. More specifically, parent claim 1 (and its dependent claims) clearly are **not readable** on Bauer's disclosure, and, also, Bauer's disclosure when combined with either of the secondary references does not teach or suggest all of the elements/limitations of parent claim 1.

More specifically, parent claim 1 has now been amended to make a clearly distinction between the two different sintering steps. Sintering of the pellets is, indeed, known from Bauer. However, there is no teaching whatsoever, either in Bauer, or in Su '712 or Henley '297, of performing the step of sintering the scrap powder in order to form scrap pellets. The pelletizing and sintering of the scrap powder combined with the micronization of the scrap pellets allows significantly to reduce the defects during pellet manufacture, as stated in page 2, lines 15 to 20 of

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Applicant's specification. The person of ordinary skill in the art, faced with the problems of defects which is solved by Applicant's claimed invention, would not find any teaching in Su or Henley to modify Bauer's process in a manner which would cure these defects.

Furthermore, Bauer teaches a process of dry recycling pellets disposed of as waste. This process corresponds to the scrapped pellets flowing from block 9 in Applicant's Fig. 2. That is, Bauer's process does **not apply to the scrap in powder form flowing from blocks 6 and 8 in Fig. 2.**

Thus, since amended parent claim 1 is not readable, either expressly or inherently, on Bauer's disclosure, Bauer is **incapable** of anticipating claims 1 and 3-12. Similarly, since Bauer's disclosure, when combined with either Su's disclosure or Henley's disclosure, does not suggest or teach all of the limitations of parent claim 1, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness of the subject matter of claim 1.

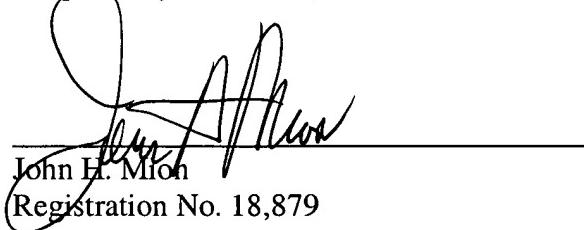
Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(e) and 103(a) and to find the application to be in condition for allowance with all of claims 1-14 (new claims 13 and 14 recapture the limitations deleted from claims 10 and 11, respectively); however, if for any reason the Examiner feels that the application is not now in condition for allowance with all of claims 1-14, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of One Month. Applicant hereby petitions for any extension of time which may be required to

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maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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